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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter Of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

To: The Commission

COMMENTS ON EX PARTE FILINGS ADDRESSING DIGITAL TV ALLOTMENTS

Costa de Oro Television, Inc. ("Costa"), the permittee of Station KSTV(TV), Ventura, California, by its attorneys, hereby submits its Comments on the ex parte submissions presented by the Association for Maximum Service Television, Inc. ("MSTV") on November 20, 1997¹ and the Association of Local Television Stations, Inc. ("ALTV") on November 25, 1997. These Comments are filed in response to the FCC's Public Notice issued on December 2, 1997 inviting Comments on the ex parte submissions presented by MSTV and ALTV. In support thereof, Costa states as follows.

1. The MSTV has provided the Commission with a service by seeking to ameliorate spectrum congestion in the areas of the Northeast, Great Lakes region and the California coastal region. It cannot be contested that these parts of the country contain the largest concentrations of populations and television

¹ MSTV's pleading was styled, "Ex Parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments Submitted by The Association for Maximum Service Television, Inc. and Other Broadcasters."

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stations. As a result, they face the most congestion as the Commission seeks to add DTV allotments to the existing NTSC allotments in the phase-in of digital broadcasting. However, the need to deal with congestion should not make a bad situation worse.

2. Costa has reviewed the MSTV pleading and does not understand the basis for the proposal that its DTV allotment be shifted from Channel 49 to Channel 24. This change does not result in any appreciable change in the replication of the signal of Station KSTV(TV). According to the MSTV's research, Station KRPA(TV) can expect a 98.5% replication on Channel 24, which is down from the 99.5% replication that the MSTV has determined would occur if the Station was allotted Channel 49 according to the Commission's proposal.²

3. Considering these results, Costa is at a loss to understand the benefits to be derived from the MSTV changes. In fact, upon review of the MSTV revised Table, Costa sees no benefit to it. Channel 24 is in a far more congested part of the spectrum and presents limits on the operations of the Station, including a relocation of its transmitter site if that is

² The FCC's own work on replication has been proven correct by the MSTV. In the Sixth Report and Order in MM Docket No. 87-268, FCC 97-115, released April 21, 1997, the Commission predicted a 100% replication, just a bit higher than the 99.5% that the MSTV has determined.

required because of interference, tower site limitations or restrictions or other commercial reasons.

4. MSTV has expended a good deal of effort on its work in an attempt to assist the broadcasting community. Costa applauds these efforts and has no reason to criticize MSTV. However, as in any project, questions must arise as to whether the proposal being made is beneficial. In this instance, Costa submits that no reason has been presented to alter the DTV allotment of Station KSTV(TV) from Channel 49. If anything, the ability of Station KSTV(TV) to operate in the future will be negatively impacted by an allotment of Channel 24. Hence, Costa urges the Commission to forbear from altering the Table of Allotments in this instance and to maintain the Channel 49 allotment for Station KSTV(TV).

5. As for the ALTV document, it addresses another serious matter that has arisen in connection with the DTV Table of Allotments. There is present an obvious and significant disparity in the power levels provided for existing UHF stations as opposed to VHF stations that are receiving UHF DTV allotments. This should not be ignored and existing UHF broadcasters are entitled to far greater comparability than they have received. ALTV is entirely correct in proposing a mechanism for increasing the signal strength of UHF broadcasters and the Commission should respond to this with rules establishing power levels that achieve such a result while not producing impermissible interference to

other stations, especially in urban areas.

Respectfully submitted,

COSTA DE ORO TELEVISION, INC.

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